

# BEST AVAILABLE COPY

## REMARKS

The above supplemental amendment and these remarks are further in response to the Office action of 13 July 2004 by Examiner Narayanswamy Subramanian.

Applicants file this amendment and reply under 37 CFR 1.111 in response to the action of the Examiner reopening prosecution to cite newly discovered art in view of the appeal filed on 5 Feb 2004.

Claims 12-19 are in the case, none having been allowed.

## *Record of Interview*

Applicants' attorney expresses appreciation for courtesy extended by Examiner Narayanswamy Subramanian during a telephone interview initiated by him with the undersigned on 14 Jan 2005. Agreement was not reached as a result of that interview, and would have been premature, inasmuch as the search necessary for completing the Office

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response had not as yet been conducted. However, the claims are being amended herein to facilitate prosecution by enabling the Examiner to focus future search and consideration with respect to all pending claims on the same concept: the calculation and use of a new sum amount. The amendment of these claims is requested without prejudice, reserving the right to restore the claims to their previous state in the event these claims are not allowed.

Applicants renew, without repeating, the arguments presented in the Amendment filed on or about 13 Oct 2004 for patentability of the pending claims.

#### SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 12-19.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the

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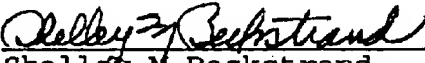
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Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

M. W. Beach, et al.

By

  
Shelley M. Beckstrand  
Reg. No. 24,886

Date: 14 January 2005

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